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May 29, 1992

Mr. Frazer Lockhart  
U. S. Department of Energy  
Building 116  
P. O. Box 928  
Golden, Colorado 80402

RE: Closure Process for RCRA Units Under the Interagency Agreement

Dear Mr. Lockhart,

The Colorado Department of Health, Hazardous Materials and Waste Management Division (the Division), in response to an informal inquiry, wishes to clarify the RCRA closure process for those operable units scheduled for closure under the Interagency Agreement.

The following questions were posed to the Division:

- o Were existing RCRA Closure Plans for OUs 4, 7, 9, 10, and 11 made obsolete by the IAG? If so, should the closure plans be withdrawn or updated to reflect modifications in operations?
- o Are RCRA and Colorado Hazardous Waste Act (CHWA) closure requirements fulfilled through the IM/IRA Decision Document process?
- o Does the "Environmental Restoration IAG Schedule", dated August 14, 1990 rescind the 30 year post closure care requirements by specifying less stringent time periods for RCRA Annual Ground Water Monitoring and performance monitoring and assessment of remedial actions.

The following discussion and references to the IAG, the Statement of Work (SOW), the IAG Schedule (August 14, 1990), and CHWA clarify the State's closure process and post-closure care requirements as set forth in the IAG.

Paragraph 16 of the IAG states that the Parties intend to integrate into this Agreement DOE's CERCLA response obligations and CHWA closure and corrective action obligations which relate to the release(s) of hazardous substances. It further states that the Parties intend that compliance with activities covered by this Agreement will be deemed to achieve compliance with CERCLA, and the closure requirements of CHWA. The Division, therefore, finds that the existing closure plans for those operable units external to buildings are obsolete and need not be resubmitted. However, DOE must provide RFI/RI Workplans either by amending the source characterization sections of existing closure plans, as specified in the SOW, or by preparing new, individual workplans.

The Division further finds that IM/IRA Decision Documents for OUs 4, 7, 9, 10 and 11, an IAG Phase I activity, will satisfy CHWA closure requirements when combined with RFI/RI investigations. The process for Interim Status Closure Units External to Buildings is described, sequentially, in Sections I.B.11.b, I.B.9 and XIV of the SOW with reference to Paragraphs 15, 150, 153, 155 and 156 of the IAG. The IAG Schedule supplements the SOW. Attachment A is being provided to

consolidate and clarify the steps of the closure process. Attachment B depicts the integration of the IAG Process with the CHWA closure process and lists the appropriate regulatory citations.

Regarding post closure care requirements, Paragraph 15, Item B, of the IAG states, among other items, that the IAG is to "require post-closure care when necessary in accordance with post-closure permits or approved plans...." Item I further states that the IAG will "Provide for continued operation and maintenance of the selected remedial/corrective action(s)."

The Annual RCRA Ground Water Monitoring, as set out in the IAG Schedule, pertains only to the pre-corrective action period. Also, performance monitoring and assessment of remedial actions is specifically to determine effectiveness of the action and should not be confused with post-closure care which may, for example, entail maintenance of landfill caps, pump and treat systems or site security. Therefore, the Division finds that post-closure care permits will still be required for units that are not clean-closed and post-closure care periods for these units are not reduced per the IAG Schedule. For clarification, according to the Colorado Hazardous Waste Regulations (6CCR 1007-3, Section 265.117), post-closure care periods can be extended or reduced from the typical 30-year period as determined appropriate by the Division.

If you have any questions, please contact Harlen Ainscough of my staff at 331-4977.

Sincerely,



Gary W. Baughman  
Unit Leader, Hazardous Waste Facilities  
Hazardous Materials and Waste Management Division

Attachments

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